

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 24, 2000

D033764 Noah's Enterprises, Inc. et al. v. Chiquita Brands International, Inc.

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

D034302 People v. Alvarez

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P. J., O'Rourke, J.

D035929 Obeso v. Superior Court of San Diego County/Sanchez

Let a writ of mandate issue directing Judge Pate to vacate the order denying the challenge and enter an order granting Obeso's disqualification motion. The stay issued by this court on July 14 is vacated. Sanchez's request for attorney fees is denied. Costs are awarded to the prevailing party. This opinion will be final as to this court within seven days of filing. Benke, J.; We Concur: Kremer, P.J., Work, J.

D034304 In re Christina D., a Juvenile

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., Work, J.

D033864 People v. Lara

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., Huffman, J.

D034766 People v. Cervantes

Judgment affirmed. McIntyre, J.; We Concur: Work, Acting P.J., Haller, J.

D034336 Morris v. Department of Corporations

Judgment affirmed. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D034165 People v. Carrillo

The judgment is affirmed. Kremer, P.J.; We Concur: Work, J., Nares, J.

D034048 People v. Williams

Judgment affirmed. Huffman, J.; We Concur: Work, Acting P.J., Benke, J.

D034964 In re Moore on Habeas Corpus

Thomas Roy Moore challenges a disciplinary finding he conspired to cause controlled substances to be brought into prison for the purpose of distribution, claiming he was not timely given notice and the finding was not supported by the evidence. Moore raised the same claims by petition that was summarily denied on February 29, 2000. The denial of a petition for a writ of habeas corpus without issuance of an alternative writ or order to show cause is final immediately as to that court. (Cal. Rules of Court, rule 24(a).) This court is now without jurisdiction. The motion for reconsideration is denied.

D035097 In re Myiesha C., a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

D034598 In re Viet T., a Juvenile

Judgment affirmed. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 25, 2000

D033898 Duncan V. Otay Water District

The judgment is affirmed in part and reversed in part, and remanded for a new trial on the issue of damages related to the parties' respective claims for repurchase of excess EDUs and monthly sewer service charges, set-off, and any defenses to those claims. Each party to bear its own costs on appeal. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D033186 People v. Barnett

The petition for rehearing is denied.

D034080 People v. Medina

The petition for rehearing is denied.

D034782 People v. Paugh

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D033669 Ramos et al. v. Countrywide Home Loans, Inc. et al.

The judgment is affirmed with the exception that the order awarding attorney fees and costs is reversed with directions to the trial court to conduct appropriate further proceedings in accordance with the principles expressed in this opinion and to exercise its discretion anew with respect to setting a proper amount of costs and fees to be awarded. Each party shall bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Work, Acting P.J., Haller, J.

D032694 Eppel v. Lucent Technologies, Inc.

The judgment is affirmed. O'Rourke, J.; I Concur: Nares, J., I Concur in Result: Work, Acting P.J.

D034079 People v. Alston

The judgment is reversed in part as to the conviction for petty theft, and the trial court is directed to correct the abstract of judgment and forward a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed. McIntyre, J.; We Concur: Kremer, P.J., O'Rourke, J.

D035767 In re Field on Habeas Corpus

The petition is denied.

D032517 People v. McGann

D034548 In re McGann on Habeas Corpus

The petition for rehearing is denied.

D035339 In re Christine D., a Juvenile

Judgment affirmed. Huffman, J.; We Concur: Work, Acting P.J., Nares, J.

D034070 In re Johnathan S., a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Benke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 25, 2000 (Continued)

D034342 People v. Jacobs

Judgment affirmed. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D032383 Friary et al. v. Owens Corning Corporation

The judgment is affirmed. Costs are awarded to respondent. McIntyre, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D035123 In re Samatha D., a Minor

The judgment is affirmed. McIntyre, J.; We Concur: Work, Acting P.J., Benke, J.

D035372 In re Lydia B., a Minor

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., McIntyre, J.

D033206 Fischbeck, a Minor, etc. v. American Telephone & Telegraph

The order is affirmed. Respondent's motion for sanctions for a frivolous appeal is denied. Respondent shall have costs on appeal. Kremer, P.J.; We Concur: Nares, J., O'Rourke, J.

D035796 Quantum Vis North American Trade, Inc. et al. v. Gray, Cary, Ware & Freidenrich, LLP, et al.

Pursuant to California Rules of Court, rule 10(c), the appeal filed May 19, 2000, is dismissed for appellants' failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 26, 2000

D035809 In re Dobbs on Habeas Corpus

The petition is denied.

D027490 Paxton et al. v. Stewart et al.

The judgment is reversed. Plaintiffs are awarded their costs on appeal. May, J. (Assigned);
We Concur: Benke, Acting P.J., Haller, J.

D035325 Ryan v. Higa

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D034290 People v. Juarez

The judgment is modified by striking the sentence for burglary (count 3). The trial court shall prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. As so modified the judgment is affirmed. Kremer, P.J.; We Concur: Work, J., McIntyre, J.

D035768 In re Marcus on Habeas Corpus

The petition is denied.

D034775 Plourd v. Regents of the University of California et al

Pursuant to California Rule of Court 19(b), and the Stipulation of the parties, the Court hereby dismisses the above-entitled appeal. The parties shall each bear their own attorneys' fees, costs and expenses. The clerk shall issue the remittitur. It is so ordered.

D034226 Marriage of DeMassa

The order terminating jurisdiction over spousal support is affirmed. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D035874 Bohannon et al. v. Fierer

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D033824 Bell v. Vista Unified School District et al.

The petition for rehearing is denied.

D033824 Bell v. Vista Unified School District et al.

The opinion filed June 27, 2000, is ordered certified for publication. The attorneys of record are: Stutz, Gallagher, Artiano, Shinoff & Holtz, Daniel R. Shinoff, Jack M. Sleeth, Jr. and Paul V. Carelli, IV for Defendants and Appellants. Robert P. Otilie for Plaintiff and Respondent.

D035985 Moyal v. Commonwealth Land Title Insurance Company

Pursuant to California Rules of Court, rule 10(c), the appeal filed June 23, 2000, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 26, 2000 (Continued)

D036064 Barnes v. Superior Court of San Diego County/People
The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 27, 2000

D034203 People v. Norman B., a Juvenile

D034602 In re Norman B., a Juvenile

The pending petition for writ of habeas corpus, In re Norman Paul B., a minor, D034602, is consolidated with the pending appeal, People v. Norman Paul B., D034203, for disposition.

D034661 People v. Chambers

The judgment is affirmed. Huffman, J.; We Concur: Work, Acting P.J., Haller, J.

**D036071 Williams v. Superior Court of San Diego County/Penasquitos Hand Car Wash,
LLC.**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 28, 2000

D035859 In re Barnes on Habeas Corpus

The petition is denied.

D035826 In re Perez on Habeas Corpus

The petition is denied.

D035508 In re Smith on Habeas Corpus

The disciplinary decision is supported by the evidence. The petition is denied.

D035810 In re Jones on Habeas Corpus

The petition is denied.

D034169 People v. Clevenger

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Haller, J.

D035995 John Dennis L. v. San Diego County Superior Court/People

The petition is denied.

D035824 In re Foster on Habeas Corpus

The petition is denied.

D035750 Ferguson v. Letson

No docketing statement and copy of a judgment having been filed with this court, the appeal is dismissed.

D030787 C.W. Ives Construction, Inc. v Kvaas Construction Company, Inc.

D031586 C.W. Ives Construction, Inc. v Kvaas Construction Company, Inc.

Judgment affirmed. The portion of the post-judgment order awarding Ives fees of \$5,927.51 is reversed and remanded for the court to exercise its discretion consistent with the factors set forth in this decision. Each party to bear its own costs on appeal. Haller, J.; We Concur: Work, Acting P.J., Huffman, J.

D033216 People v. Frichtel

Affirmed. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.